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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,949	07/21/2003	Bernd Killinger	3827.116	4622

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AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

EXAMINER

TALBOT, MICHAEL

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,949

Applicant(s)

KILLINGER ET AL.

Examiner

Michael W. Talbot

Art Unit

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-- **Th MAILING DATE of this communication appears on th cover sh et with the correspond nc address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-8 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities:

Claim 1 recites the limitation "the main cutting edge" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the cutting position" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda et al. '284. Ueda et al. '284 shows in Figures 1,2,4 and 16 a tool head having a body (1) with an axis (0), a shank (2) projecting axially beyond the base body and adapted for being coupled (9) to a rotating machine spindle (8), and at least two blade receptacles (col. 8, lines 16-18) spaced apart in the circumferential direction for receiving respectively one indexable cutting insert (5B,5C), such that a main cutting edge (5b,5c) in a cutting position exhibits different adjustment angles (Figs. 2,4 and col. 8, lines 37-42) relative to the base body axis. Ueda et al. '284 shows the indexable cutting inserts being identical in shape (triangular with rounded points) and provided in different blade receptacles (Fig. 2) wherein the active cutting edges are subdivided along their length into at least two blade segments in alignment other (3 segments formed of each cutting insert by a non-contact edge located to left/right of surface C, followed by contact

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edge at surface C, followed by a second non-contact edge located to right/left of surface C shown in Fig. 4). Ueda et al. '284 shows only one of the cutting segments of the indexable cutting inserts (contact edge at surface C) is effective with an associated adjustment angle. Ueda et al. '284 shows the effective blade segment of the indexable cutting inserts exhibiting an axial separation from each other (Fig. 4). Ueda et al. '284 shows the indexable cutting inserts exhibiting at least three main blade segments (3 segments formed of each cutting insert by a non-contact edge located to left/right of surface C, followed by contact edge at surface C, followed by a second non-contact edge located to right/left of surface C shown in Fig. 4) of which in the clamp-in condition respectively only one is active. Ueda et al. '284 shows the tool head mounted with a reamer in advance of the indexable cutting inserts and displaceable axially relative to the base body (col. 8, lines 32-36).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. '284 in view of Kress et al. '002. Ueda et al. '284 lacks specific reference to the blade receptacles including a short clamp holder rigidly connected to the base body. Kress et al. '002 shows in Fig. 3 a clamp claw (9) rigidly connect (11,21) to the base body for securing the indexable cutting inserts (col. 6, lines 50-54). In view of this teaching of Kress et al. '002, it would have been obvious to one of ordinary skill in the art to modify the blade receptacles of Ueda et al. '284 to include a clamping claw show by Kress et al. '002 to increase the contact surface area

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for improve securement thus limiting vibration effects and allowing indexing of the insert without complete removing of a holding screw (11).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. '284 in view of Satran et al. '878. Ueda et al. '284 lacks an imprint marking the individual cutting segments. Satran et al. '878 shows in Figs. 1A and 1E an insert (10) having indexable cutting stations identified by numerals 1-8 (col. 9, lines 50-60). In view of this teaching of Satran et al. '878, it would have been obvious to one of ordinary skill in the art to modify the cutting insert of Ueda et al. '284 to include an imprint marking shown by Satran et al. '878 to provide visual confirmation of the different cutting inserts for ease of tracking the active cutting edges and improve reliability when indexing the inserts to a new cutting segment.

Response to Arguments

7. Applicant's arguments, see pages 8 through 9, filed 04 April 2006, with respect to claims 1-3 and 7 in view of Berry, Jr. '406 have been fully considered and are persuasive. The rejection under 35 U.S.C. 102(b) of claims 1-3 and 7 has been withdrawn.

8. Applicant's arguments, see page 9, filed 04 April 2006, with respect to claims 1 and 2 in view of Hulsebus et al. '850 have been fully considered and are persuasive. The rejection under 35 U.S.C. 102(b) of claims has been withdrawn.

9. Applicant's arguments filed 04 April 2006 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicant's arguments that the references fail to show the "defining characteristics" of applicant's invention, it is noted that the features upon which applicant relies upon are described on page 7. Although the claims are interpreted in light of the specification and/or Applicant's arguments, limitations from the specification and/or Applicant's argument's are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

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USPQ2d 1057 (Fed. Cir. 1993). It is the Examiner's position that if the Applicant incorporates the concepts outlined in the "defining characteristics" recited on page 7 of Applicant's arguments, the claims could be amended to overcome the above cited prior art.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

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In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.



MWT
Examiner
1 June 2006


MONICA CARTER
SUPERVISORY PATENT EXAMINER